EXHIBIT A

FILED 10/29/2021 5:36 PM IRIS Y. MARTINEZ CIRCUIT CLERK COOK COUNTY, IL 2021L005440 15410719

2120 - Served

2121 - Served

2220 - Not Served

2221 - Not Served

2320 - Served By Mail

2321 - Served By Mail

2420 - Served By Publication 2421 - Served By Publication

Summons - Alias Summons

v.

(08/01/18) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

WILLIAM MERCIL

(Name all parties)

Case No.

2021-L-005440

JEWEL FOOD STORES, INC., A DIVISION OF NEW ALBERTSON'S INC.

SUMMONS ~ ALIAS SUMMONS

To each Defendant: <u>JEWEL FOOD STORES, INC., A DIVISION OF NEW ALBERTSON'S INC.</u>

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance and pay the required fee within thirty (30) days after service of this Summons, not counting the day of service. To file your answer or appearance you need access to the internet. Please visit www.cookcountyclerkofcourt.org to initiate this process. Kiosks with internet access are available at all Clerk's Office locations. Please refer to the last page of this document for location information.

If you fail to do so, a judgment by default may be entered against you for the relief requested in the complaint.

To the Officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

Summons - Alias Summons

Telephone: (312) 506-5511 ext. 334

Primary Email: Nicollette@dispartilaw.com

(08/01/18) CCG 0001 B

E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit http://efile.illinoiscourts.gov/service-providers.htm to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit http://www.illinoiscourts.gov/FAQ/gethelp.asp, or talk with your local circuit clerk's office.

Atty. No.: 6335410	Witness:
Atty Name: Nicollette M. Haines, Esq.	
Atty. for: Plaintiff	DOROTHY BROWN & of Court
Address: 121 W. Wacker Drive - Suite 2300	1 2 - 7021
City: Chicago	Date of Service (To be inserted to officer to copy left with
State: IL Zip: 60601	Defendant or other than the second of the se

CLERK OF THE CIRCUIT COURT OF COOK COUNTY OFFICE LOCATIONS

Richard J Daley Center
 50 W Washington
 Chicago, IL 60602

District 2 - Skokie 5600 Old Orchard Rd Skokie, IL 60077

District 3 - Rolling Meadows 2121 Euclid

Rolling Meadows, IL 60008

District 4 - Maywood 1500 Maybrook Ave Maywood, IL 60153

District 5 - Bridgeview 10220 S 76th Ave Bridgeview, IL 60455

District 6 - Markham 16501 S Kedzie Pkwy Markham, IL 60428

Domestic Violence Court 555 W Harrison

Chicago, IL 60607

Juvenile Center Building 2245 W Ogden Ave, Rm 13 Chicago, IL 60602

Criminal Court Building 2650 S California Avc, Rm 526 Chicago, IL 60608

Daley Center Divisions/Departments

Civil Division Richard J Daley Center 50 W Washington, Rm 601 Chicago, IL 60602 Hours: 8:30 am - 4:30 pm

Chancery Division Richard J Daley Center 50 W Washington, Rm 802 Chicago, IL 60602

Hours: 8:30 am - 4:30 pm

Domestic Relations Division Richard J Daley Center 50 W Washington, Rm 802 Chicago, IL 60602 Hours: 8:30 am - 4:30 pm

Civil Appeals

Richard J Daley Center 50 W Washington, Rm 801

Chicago, IL 60602

Hours: 8:30 am - 4:30 pm

Criminal Department Richard J Daley Center 50 W Washington, Rm 1006 Chicago, IL 60602

Hours: 8:30 am - 4:30 pm

County Division
Richard J Daley Center
50 W Washington, Rm 1202

Chicago, IL 60602 Hours: 8:30 am - 4:30 pm

Probate Division Richard J Daley Center 50 W Washington, Rm 1202

Chicago, IL 60602

Hours: 8:30 am - 4:30 pm

Law Division Richard J Daley Center 50 W Washington, Rm 801 Chicago, IL 60602

Hours: 8:30 am - 4:30 pm

Hours: 8:30 am - 4:30 pm

Traffic Division Richard J Daley Center 50 W Washington, Lower Level Chicago, IL 60602 FILED DATE: 5/26/2021 5:11 PM 2021L005440

Civil Action Cover Sheet - Case Initiation

12-Person Jury (12/01/20) CCL 0520

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, LAW DIVISION

WILLIAM MERCIL	
v.	
	2021L005440
JEWEL FOOD STORES, INC., A Division of New Albert	I 1 7
	•
CIVIL ACTION COVER SHEET - CASE INITIATION	
A Civil Action Cover Sheet - Case Initiation shall be filed with the	FILED
complaint in all civil actions. The information contained herein	5/26/2021 5:11 PM
is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate case	IRIS Y. MARTINEZ
type which best characterizes your action. Only one (1) case type	!
may be checked with this cover sheet.	CIRCUIT CLERK
Jury Demand Tyes No	COOK COUNTY, IL
PERSONAL INJURY/WRONGFUL DEATH	13477743
CASE TYPES:	(FILE STAMP)
□ 027 Motor Vehicle	COMMERCIAL LITIGATION
□ 040 Medical Malpractice	CASE TYPES:
□ 047 Asbestos	□ 002 Breach of Contract
☐ 048 Dram Shop ☐ 049 Product Liability	☐ 070 Professional Malpractice
□ 051 Construction Injuries	(other than legal or medical)
(including Structural Work Act, Road	□ 071 Fraud (other than legal or medical)
Construction Injuries Act and negligence)	□ 072 Consumer Fraud □ 073 Breach of Warranty
□ 052 Railroad/FELA	□ 074 Statutory Action
□ 053 Pediatric Lead Exposure	(Please specify below.**)
☐ 061 Other Personal Injury/Wrongful Death☐ 063 Intentional Tort	☐ 075 Other Commercial Litigation
□ 064 Miscellaneous Statutory Action	(Please specify below.**)
(Please Specify Below**)	■ 076 Retaliatory Discharge
□ 065 Premises Liability	OTHER ACTIONS
□ 078 Fen-phen/Redux Litigation	CASE TYPES:
☐ 199 Silicone Implant	□ 062 Property Damage
TAX & MISCELLANEOUS REMEDIES	□ 066 Legal Malpractice
CASE TYPES:	□ 077 Libel/Slander
□ 007 Confessions of Judgment	□ 079 Petition for Qualified Orders
□ 008 Replevin □ 009 Tax	□ 084 Petition to Issue Subpoena □ 100 Petition for Discovery
□ 015 Condemnation	•
□ 017 Detinue	**
☐ 029 Unemployment Compensation	
□ 031 Foreign Transcript	Primary Email: kevin@dispartilaw.com
 □ 036 Administrative Review Action □ 085 Petition to Register Foreign Judgment 	
□ 099 All Other Extraordinary Remedies	Secondary Email:
•	Tertiary Email:
By: Kevin R. Anderson (Attorney) (Pro Se)	
(2.2.2.)	
Pro Se Only: I have read and agree to the terms of the Clerk's O a form the Clerk's Office for this case at this email address:	ice Electronic Notice Policy and choose to opt in to electronic notice

FILED 5/26/2021 5:11 PM IRIS Y. MARTINEZ CIRCUIT CLERK COOK COUNTY, IL

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS LAW DIVISION

WILLIAM MERCIL,)	
Plaintiff,))) Case No. 2021L0054	140
v.)	
JEWEL FOOD STORES, INC. A Division of New Albertson's Inc.,) Ad Damnum: \$250,000)	
Defendant.)) JURY DEMANDED)	

COMPLAINT

WILLIAM MERCIL, Plaintiff, by and through his undersigned counsels, Cass T. Casper, Esq., DISPARTI LAW GROUP, P.A., states as follows for his Complaint against Defendant, JEWEL FOOD STORES, INC, a Division of New Albertson's Inc.:

NATURE OF THE CASE

- 1. This is a wrongful termination case stemming from Plaintiff's illegal termination on October 16, 2020 as a result of his filing and ongoing pursuit of an Illinois Workers' Compensation Act ("the Act") claim.
- 2. This is also a claim for disability discrimination brought pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
- 3. William Mercil ("Mercil" or "Plaintiff") seeks all available relief, including, back pay and back benefits, compensatory damages, and all other available relief.

PARTIES, JURISDICTION, AND VENUE

4. Plaintiff, Mercil is an adult resident of Cook County, Illinois.

5. Defendant, Jewel Food Stores, Inc. A Division of New Albertson's Inc., ("Jewel" or Defendant") is an Illinois corporation. *See Illinois' Secretary of State File No. 66601099*. The Jewel is located at 1955 West North Avenue, Melrose Park, IL 60160.

JURISDICTION AND VENUE

- 6. This Court has jurisdiction over all Counts pursuant to Article 6, Section 9 of the Illinois Constitution as a court of general jurisdiction.
- 7. This Court has jurisdiction over Count 1 pursuant to its common law authority to hear retaliatory discharge claims for wrongful termination for filing and pursuit of Workers' Compensation claims pursuant to the Illinois Supreme Court's decision in *Kelsay v. Motorola, Inc.*, 74 Ill.2d 172, 180-181 (1978), and its progeny.
- 8. This Court has jurisdiction over Count 2 as a court of general jurisdiction and pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
- 9. Venue is proper pursuant to 735 ILCS § 5/2-101 of the Illinois Code of Civil Procedure because Defendant's business is located in Cook County, Illinois, and principal place of operation for purposes of this suit is in Cook County, Illinois.

EXHAUSTION OF ADMINISTRATIVE PROCEEDINGS

- 10. On November 9, 2020, Plaintiff Mercil filed a charge of discrimination based on Disability with the EEOC in Charge Number 440-2106-00455 that was cross-filed with the Illinois Department of Human Rights. A true and correct copy of that Charge is attached as Group Exhibit 1.
- 11. On February 23, 2021, Plaintiff Mercil received a right-to-sue letter from the Illinois Department of Human Rights. A true and correct copy of these notices are attached as Group Exhibit 1.

- 12. Plaintiff timely brings this suit within 90 days of the right-to-sue letter.
- 13. Plaintiff has exhausted all administrative remedies prerequisite to bringing this suit.

COUNT 1: RETALIATORY DISCHARGE BASED ON PLAINTIFF'S FILING AND PURSUIT OF AN IWCC CLAIM

(Plaintiff v. Defendant)

- 14. At all times relevant, Illinois has recognized a clear mandate of public policy in favor of employees having protection from workplace injuries under the Workmen's Compensation Act. *See Kelsay v. Motorola, Inc.*, 74 Ill.2d 172, 180-181 (1978) ("*Kelsay*"). "A valid claim for retaliatory discharge requires a showing that an employee has been (1) discharged; (2) in retaliation for the employee's activities; and (3) that the discharge violates a clear mandate of public policy." *Hartlein v. Illinois Power Co.*, 151 Ill.2d 142, 160 (1992).
- 15. At all times relevant, Illinois has recognized a clear mandate of public policy in favor of employees having protection from workplace injuries under the Workmen's Compensation Act. See Kelsay v. Motorola, Inc., 74 Ill.2d 172, 180-181 (1978) ("Kelsay").
- 16. Since or about November 1990, William Mercil was employed by Defendant, Jewel, as a Truck Driver.
- 17. On or about September 1, 2020, while an employee of Jewel and in the course and scope of his employment, plaintiff incurred a work-related injury as defined by the Workers' Compensation Act of Illinois, 820 ILCS 305/1, et seq., and defendant, was an employer as defined under said Act.
- 18. On or about October 16, 2020, Mercil filed a workers' compensation claim (Internal Claim Number W8017807-0001) with Sedgwick Claims Management Services to seek redress for his work-related injury.
- 19. Later that day, on October 16, 2020, William Mercil was terminated from Jewel.

- 20. At all times, Jewel, clearly and unequivocally discharged Mercil on October 16, 2020, the same day as Mercil filed an Illinois Workers Compensation Claim.
- 21. The sole reason for the termination of Plaintiff's employment was that Plaintiff sought and obtained compensation under the workers' compensation law of the State of Illinois as Plaintiff was entitled to do.
- 22. Prior to October 16, 2020, William Mercil faithfully and properly performed and rendered services for and on behalf of defendant, Jewel, in accordance with and pursuant to his employment at Jewel, for which services the Defendant paid the Plaintiff.
- 23. The time of discharge, plaintiff was 67 years of age and received an annual salary of \$150,000.
- 24. Defendant's conduct in terminating Mercil was done in retaliation for Mercil's protected activities in pursuing a claim with the IWCC.
- 25. Under Illinois law, there is "a cause of action for retaliatory discharge where an employee is terminated because of his actual or *anticipated* exercise of workers' compensation rights."

 Beatty v. Olin Corp., 693 F.3d 750 (7th Cir. 2012) (Former employee brought action against former employer, alleging retaliatory discharge in anticipation of his exercise of workers' compensation rights.).
- 26. Plaintiff's termination violates the clear mandate of public policy established in *Kelsay* and its progeny in that it was in retaliation for his filing and pursuing a claim before the IWCC.
- 27. Plaintiff has suffered damages in the form of job loss for several months, lost wages and benefits, emotional distress, and compensatory damages.
- 28. At all times, Defendant's acted deliberately and intentionally and therefore Defendant's conduct was done with actual malice and willfully, or, in the alternative, with gross negligence as

to indicate a wanton disregard for Plaintiff's rights under the Act. *See Hollowell v. Wilder Corp.* of Delaware, 318 Ill.App.3d 984, 988 (5th Dist. 2001) (noting standard for imposition of punitive damages in retaliatory discharge cases).

WHEREFORE, for the foregoing reasons, Plaintiff requests that this Honorable Court enter Judgment in his favor, and against Defendant, and order Plaintiff's full back pay and benefits from October 16, 2020 to the date of his reinstatement, April 20, 2021, compensatory damages, pre-judgment interest on all amounts, punitive damages in an amount to be determined by the finder of fact, and such other relief as the Court deems just and proper.

COUNT 2: 42 U.S.C. § 12101, et seq. DISABILITY DISCRIMINATION UNDER THE AMERICANS WITH DISABILITIES ACT

(Plaintiff v. Defendant)

- 29. Plaintiff repeat, re-allege, and incorporate by reference, the allegations in all Paragraphs One through Thirteen of this Complaint with the same force and effect as if herein set forth.
- 30. The Americans with Disabilities Act prohibits an employer from treating a qualified individual with a disability who is an employee unfavorably because he or she has a disability, has a record of disability, and/or is perceived to have a physical impairment.
- 31. The Americans with Disabilities Act also requires an employer to provide a reasonable accommodation to an employee with a disability, unless doing so would cause significant difficulty or expense.
- 32. Congress has not defined "impairment." In a regulation implementing the ADA, however, the EEOC defined "physical impairment" as: "Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems,

such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine." 29 C.F.R. § 1630.2(h)(1).

- 33. Plaintiff Mercil has a disability, a record of disability of the effect of Adult Respiratory Distress Syndrome (RDS) which is a cardiovascular impairment which falls under the Act that substantially limits one or more major life activities, including, *inter alia*, running, climbing, and extended periods of exercise.
- Defendants were aware of such Disability because Plaintiff Mercil filed on September 10, 2020 an absence form detailing such disability and the time off required for such disability.

 Additionally, Plaintiff filed an Employee Accident Report on October 16, 2020 which depicted his disability.
- 35. After filing the above stated forms, Plaintiff Mercil was discharged from his employment on October 16, 2020.
- 36. Plaintiff Mercil filed his EEOC Charge of Discrimination based on disability on November 9, 2020.
- 37. At all times prior to his termination, Plaintiff Mercil was and is still qualified to perform his essential job functions as a Truck Driver, with or without reasonable accommodation, as such essential job functions involve driving, pre-trip and post-trip inspections, and routine maintenance of his assigned vehicle.
- 38. At all times, Defendant's conduct in terminating Mercil was done because of Plaintiff's qualified disability.

- 39. Similarly-situated truck drivers at this Jewel location without disabilities were not terminated in like manner to Mercil, including, to Mercil's knowledge, all other truck drivers assigned to or near this location.
- 40. As a result of Defedant's actions, Plaintiff suffered damages, to include loss of back pay and emotional distress.

WHEREFORE, for the foregoing reasons, Plaintiff requests that this Honorable Court enter Judgment in his favor, and against Defendant, and order Plaintiff's full back pay and benefits from October 16, 2020 to the date of his reinstatement, April 20, 2021, compensatory damages and pre-judgment interest in an amount to be determined by the finder of fact, and such other relief as the Court deems just and proper, and reasonable attorneys' fees and litigation costs.

COUNT 3: PHYSICAL DISABILITY AND RECORD OF DISABILITY DISCRIMINATION UNDER THE ILLINOIS HUMAN RIGHTS ACT (Plaintiff v. Defendant)

- 41. Plaintiff repeat, re-allege, and incorporate by reference, the allegations in all Paragraphs One through Thirteen of this Complaint with the same force and effect as if herein set forth.
- 42. The Illinois Human Rights Act ("IHRA") prohibits an employer from treating a qualified individual with a physical disability who is an employee unfavorably because he or she has a disability, has a record of disability, and/or is perceived to have a physical impairment.
- 43. The IHRA also requires an employer to provide a reasonable accommodation to an employee with a physical disability or a record of a disability, unless doing so would cause significant difficulty or expense.

- 44. Plaintiff Mercil has a physical disability, a record of disability of the effect of Adult Respiratory Distress Syndrome (RDS) which is a cardiovascular impairment which falls under the Act that substantially limits one or more major life activities, including, *inter alia*, running, climbing, and extended periods of exercise.
- 45. Defendants were aware of such Disability because Plaintiff Mercil filed on September 10, 2020 an absence form detailing such disability and the time off required for such disability.

 Additionally, Plaintiff filed an Employee Accident Report on October 16, 2020 which depicted his disability.
- 46. After filing the above stated forms, Plaintiff Mercil was discharged from his employment on October 16, 2020.
- 47. Plaintiff Mercil filed his EEOC Charge of Discrimination based on disability on November 9, 2020, which was cross-filed with the IDHR.
- 48. At all times prior to his termination, Plaintiff Mercil was and is still qualified to perform his essential job functions as a Truck Driver, with or without reasonable accommodation, as such essential job functions involve driving, pre-trip and post-trip inspections, and routine maintenance of his assigned vehicle.
- 49. At all times, Defendant's conduct in terminating Mercil was done because of Plaintiff's qualified disability.
- 50. Similarly-situated truck drivers at this Jewel location without disabilities were not terminated in like manner to Mercil, including, to Mercil's knowledge, all other truck drivers assigned to or near this location.
- 51. As a result of Defendant's actions, Plaintiff suffered damages, to include loss of back pay and emotional distress.

WHEREFORE, for the foregoing reasons, Plaintiff requests that this Honorable Court enter Judgment in his favor, and against Defendant, and order Plaintiff's full back pay and benefits from October 16, 2020 to the date of his reinstatement, April 20, 2021, compensatory damages and pre-judgment interest in an amount to be determined by the finder of fact, and such other relief as the Court deems just and proper, and reasonable attorneys' fees and litigation costs.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing, Plaintiff requests that the Court enter Judgment in his favor, and against Defendant Jewel.

- 1. Back pay and back benefits between October 16, 2020 and the date of his reinstatement.
- Compensatory damages for emotional distress in an amount to be awarded by the finder of fact.
- 3. Pre-judgment interest on all amounts pursuant to state law.
- 4. Reasonable attorneys' fees and court and litigation costs as allowed by law.
- 5. All other such relief as this Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury as to all Counts.

Respectfully submitted,

William Mercil

By: /s/ Kevin Anderson

One of Plaintiff's Attorneys

Kevin R. Anderson, Esq. DISPARTI LAW GROUP, P.A. 121 West Wacker Drive, Suite 2300 Chicago, Illinois 60601 P: (312) 506-5511 ext. 333 E: <u>kevin@dispartilaw.com</u>

Cass T. Casper, Esq.
DISPARTI LAW GROUP, P.A. (#57548)
121 West Wacker Drive, Suite 2300
Chicago, Illinois 60601
P: (312) 351-2478

E: ccasper@dispartilaw.com

FILED 5/26/2021 5:11 PM IRIS Y. MARTINEZ CIRCUIT CLERK COOK COUNTY, IL 2021L005440

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS LAW DIVISION

WILLIAM MERCIL,)	
Plaintiff,))	2021L005440 Case No.
v.)	
JEWEL FOOD STORES, INC.))	Ad Damnum: \$250,000
A Division of New Albertson's Inc.,)	
)	JURY DEMANDED
Defendant.)	

ILLINOIS SUPREME COURT RULE 222 AFFIDAVIT OF DAMAGES

NOW COMES, CASS THOMAS CASPER, Affiant, and avers as follows under oath in support of the damages in the Complaint in the above-captioned matter.

- 1. Under penalties as provided by law, and pursuant to Illinois Supreme Court
 Rule 222, the undersigned Affiant, Cass Thomas Casper, hereby certifies that the damages
 sought in the above-captioned cause, *Mercil v. Jewel Store Foods, Inc.*, are in excess of \$50,000.
 - 2. Further Affiant sayeth not.

/s/ Cass T. Casper

Cass T. Casper, Esq.
DISPARTI LAW GROUP, P.A.
121 West Wacker Drive, Suite 2300
Chicago, Illinois 60601
P: (312) 506-5511 ext. 331
E: ccasper@dispartilaw.com

Case: 1:21 cv-06220 Document #: 1-1 Filed: 11/19/21 Page 17-05科内中华文学的

STATE OF ILLINOIS DEPARTMENT OF HUMAN RIGHTS

IN THE MATTER OF: WILLIAM MERCIL

COMPLAINANT.

CHARGE NO.

2021CR0758

AND

JEWEL FOOD STORE

RESPONDENT

NOTICE OF DISMISSAL FOR LACK OF SUBSTANTIAL EVIDENCE AND ORDER OF CLOSURE

For Complainant

Julie Herrera Law Office of Julie O Herrera 53 W Jackson Boulevard Ste 1615 Chicago IL 60604 For Respondent

Teresa Abreu Jewel Foods Labor Relations 150 Pierce Road Ste 200 Itasca IL 60143

DATE OF DISMISSAL: February 26, 2021

- 1. YOU ARE HEREBY NOTIFIED that the Department has not received a timely request to review the EEOC determination of no cause, a copy of which is enclosed. Based upon the enclosed determination, the DEPARTMENT OF HUMAN RIGHTS (DHR) finds that there is NOT substantial evidence to support the allegations of the charge(s). Accordingly, pursuant to Section 7A-102(A-1) (3)(a) of the Human Rights Act (775 ILCS 5/1-101 et. seq.) and its Rules and Regulations (56 III. Adm. Code, Chapter III, Section 2520 560), the charge is HEREBY DISMISSED and CLOSED.
- Complainant may commence a civil action against Respondent in the appropriate state circuit court or other appropriate court of competent jurisdiction within ninety (90) days after receipt of this Notice. A complaint should be filled in the circuit court in the county where the civil rights violation was allegedly committed. If you intend to exhaust your State remedies, please notify the Equal Employment Opportunity Commission (EEOC) immediately: EEOC, John C. Kluczyński Federal Building, 230 South Dearborn Street, Suite 1866. Chicago, Illinois 60604.

Please note that the Department cannot provide any legal advice or assistance. Please contact legal counsel, your city clerk, or your county clerk with any questions.

 Complement is increby notified that the charge(s) are dismissed with prejudice with no right to further proceed if a timely written complaint is not filed with the appropriate circuit court.

DEPARTMENT OF HUMAN RIGHTS

EEOC Ref Chg (CR/SR) Rev. 03/16/2020 STATE OF ILLINOIS

,) 58

COUNTY OF COOK

CHARGE NO. 2021CR0750

AFFIDAVIT OF SERVICE

Monica Vandeven deposes and states that s/he served a copy of the attached NOTICE OF DISMISSAL AND ORDER OF CLOSURE on each person named below by depositing the same on February 26, 2021 , in the U.S. Mail Box at 100 West Randolph Street, Chicago, Illinois, properly posted for FIRST CLASS MAIL, addresses as follows:

For Complainant

Julio Herrera Law Office of Julio O Herrera 53 W Jackson Boulevard Ste 1615 Chicago IL: 60804 For Respondent

Teresa Abreu Jewel Foods Labor Relations 150 Pierce Road Ste 200 Itasca IL 60143

Under penalties as provided by law pursuant to Section 1/109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to authors therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verify believes the same to be true.

Monica Vandeven

PLEASE NOTE:

The above-signed person is responsible only for mailing these documents Illinois Department of Human Rights' staff are not permitted to discuss the investigation findings once a Notice of Dismissal or Order of Closure has been issued.

Case: 1:21-cv-06220 Document #: 1-1 Filed: 11/19/21 Page 19 of 24 Page IDGROUP EXHIBIT

Human Rights

JB Pritzker, Governor James L. Berinott, Director

February 23, 2021

2N NOTICE

WILLIAM MERCIL
C/O JULIE O. HERRERA
ATTORNEY AT LAW
53 W. JACKSON BLVO.
SUITE 1615
CHICAGO. IL. 60604

RE: Charge No. 2021CR0758
Respondent: JEWEL'S FOODS
Complaint or Civil Action Filing Dates: 11/19/2021 through 02/16/2022

Dear Complainant

You have chosen to have the discrimination charge you previously fled with the U.S. Equal Employment Opportunity Commission ('EEOC') investigated by the Illinois Department of Human Rights (1DHR') under the Illinois Human Rights Act. IDHR has received a copy of EEOC's determination and your request for the Department to investigate. A copy of the charge has been served on the Respondent. Keep this tetter for reference if you need to telephone or come to IDHR.

You are required to preserve and maintain all records, including paper electronic, or other formals, pertaining to this charge. If your charge involves the basis of disability, IDHR requires that two additional forms be completed to determine whether IDHR has jurisdiction over your identified medical condition. If we do not have copies of these documents in your file, we have included copies with this notice.

1) Verification of Disability

Please give the Verification of Disability form to your physician for completion. Request your physician return the completed form by mail to IDHR's address below within 30 days of your receipt of this notice; and

Consent form.

The consent form allows IDHR to review your physician's documentation. Please fill out the consent form and return it to IDHR, again, within 30 days of your receipt of this notice.

If your charge does not involve the basis of disability, then the Verification of Disability and Consent Forms are not needed and are not enclosed.

IDHR's role is to conduct a neutral investigation of the allegations in your charge. It is your responsibility to cooperate with IDHR's investigation and provide all pertinent information you have concerning the case by the dates requested.

An investigator will contact you after the case is assigned: IDHR must complete the investigation of your case by issuing its report of findings within 365 days from the date the EEOC issued its decision on your charge. IDHR's investigation time may be extended if you and Respondent agree in writing.

189 Wast Rundwigt Street, Suite 10-100. Chicago, if, 60601, (312) 814-6200, TTY (666) 740-3963, Flousing Line (800) 662-3942 635 West Junest Orest, 14 Plaze, Springfield, Jr. 62702, (217) 785-5100 2309 West Make Street, Marion, Jr. 62959 (618) 993-7463 www.illineis.gov/chr If IDER does not complete the investigation of your case by timely issuing its report of findings, you may either file a complaint with the Human Rights Commission or commence a civil action in the appropriate circuit court within 90 days after the expiration of the 365 days (or the extended time). We have calculated the time above (see Complaint or Civil Action Filing Dates). While we have made this calculation with the best of intentions, errors can occur. The Human Rights Commission has ruled that it is your responsibility to count the number of days properly. If you file a complaint or commence a civil action in circuit court outside this 90-day period, your complaint or civil action may be deemed unitimely and dismissed.

Once 455 days (365 days for the extended time) plus 90 days) have passed. IDHR must dismiss your charge with prejudice without any further right to proceed if you have not filed a complaint with the Human Rights Commission, or commenced a civil action in the appropriate court. Therefore, you may wish to contact an attorney to decide the best way for you to handle your case.

If you file a complaint with the Human Rights Commission, the form of the complaint must be in accordance with section 7A-102(F) of the Human Rights Act. You must serve a copy of the complaint filed with the Human Rights Commission on IDHR on the same day that you file a complaint with the Commission. The Human Rights Commission will then schedule a hearing for your case before an Administrative Law Judge.

If you commence a civil action in circuit court, the form of the complaint must be in accordance with the illinois Code of Civil Procedure. Please also serve a copy of your complaint on the EEOC: 500 West Madison Street, Suite 2000, Chicago, IL 60661. If you file a complaint with the Commission, you may not later commence a civil action in circuit court.

You must advise DHR of all changes of name, address, or telephone numbers. If you do not do so, IDHR may dismiss your case if it cannot locate you.

SB1122 IN-6 Non-Med CR/SR 4/17

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44.00 William: Marcil Nov 16 20 02:31p ERGIC Frank (1190) Applications Company Control Frequency CHARGE OF DISCRIMINATION 2021002758 FERA This town is affocused by the Privacov Act of 1974. See envolved Privacia Act.

Spaceword and other information leakard completing this term. 440-2021-00677 **EEOC** arvi (EC) Illinois Department Of Human Rights Date of Date Home Production And Care 1953 (847) 891-9135 Mr. William R. Mércil City, State and ZIP Code Strael Address 1200 Salford Drive, Schaumburg, IL 60193 Named is the Engloyer, Labor Organization, Employment Agency, Approntises to Committee, or State or Local Government Agency Tant 1 Sections Discriminated Agency Me or Others. (If more tiven two, list under PARTICIE ARS below.) (708) 547-7974 500 or More JEWEL FOODS City, state and ZPP Code Strout Address 1955 West North Avenue, Building K, Melrose Park, IL 60160 Proposition strangers Area Cons City, Clare and ZIP Code Street Address DATES DESCRIBINATION TOOK PLACE DESCRIPTION FOR BASE O CITY (Chack appropriate bodies) ; l lasa RELIGION MATIONAL ORIGIN 10-15-2020 X RETALIATION X AGE X DISABILITY CENETIC INFORMATION OTHER (Special CONTINUES ACTION. THE PARTICULARS ARE impositive major is received, effectively sheeps); I began my employment with Respondent in or around November 1998. My most recent position was Truck Driver, Respondent is aware of my disability. During my employment, I filed a Charge of Discrimination (EEOC 5. 440-2016-00453). I also have been subjected to haras ment. I complained to Respondent. Subsequently, I have been disciplined and suspended. On or about October 16, 2020, I was discharged, Obelieve I have been discriminated against because of my race, White, in violation of Title Vil of the Civil Rights Act of 1964, as unwaded. I also believe (theve weer discriminated against because of my age, 67 (YOB: 1953), in violation of the Age. Discrimination in Employment Act of 1967, as amended. I further believe i have been discriminated against becare e of my disability, and introtaliation for engaging to protected activity. In violation of the Americans with Disabilities Act of 1990, as amended

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I suwar to affam that I have read the above charge and that it is true to the best of my knowledge, information and belief; swink I the CF COLERABIANT

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Human Resources	5		÷		JI.		Fox Num	ner:	1-708	-331-0ZY0		
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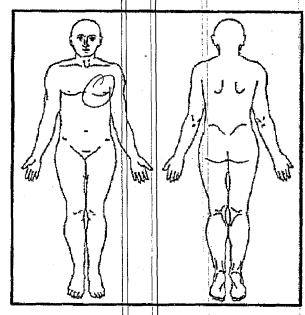
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Employee Accident Statement - Transportation

Associate Name:	444		:	;	
	5.				
Associate Contact Number	er: Kol			:	
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Date of Injury:	i i	11 11 1	vas incurred: <u> </u>		
Who did you report the in			·	:	
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Where did the Injury occu Melrose Park:	ur (Select One):				
☐ Emp. Parking Lot ☐	Tractor Yard	☐ Garage	☐ Tractor/Trailer #		
☐ Bldg D	ock#	_			
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Store Delivery: Store #	!	·		i	
☐ Backroom ☐	Cooley/Freezer	☐ Parking Lot	☐ Other, explain	<u> </u>	- . '
Receiving Dock				:	
What action best explain	s what triggered the i				
_	Reaching	☐ Pushing/Pulling		☐ Slip,Trip/Fall	
			Other, explain 17/1	REAT BY	
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Indicate on these figures the affected body part(s) at the time of the injury:



Explain in detail the injury(s) that affected the body part(s) indicated above:

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id an unsafe conditio	n exist? If so, e	xplain what could	have been do	ne to prevent this	accident:	
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upervisor Signature:	authory	1 Samo		Date:	0/16/2020	
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